

PART I
INVESTIGATION

REASON FOR INVESTIGATION: MARTY MILLER

CONDUCT AND BEHAVIOR TOWARDS FEMALES

Inmate(s) involved: Diane Clinton 007028

MARY ANN McELROY 08 7972
ROBIN OWENS 0C1447

Staff involved: MR. BLAND

Date: 6-2-95

TIME: 0900

Investigating Staff: LT Beck

Log Number: 06

REMARKS:

file/Inv1



354

Interview w/ inmate Diane Clinton

6/6/95

Ref: Maaty Miller

© 1405 hrs

Clinton works on Miller's crew

Only stated she wants off his crew because there is never any work to do. She wants to keep busy. No problem with Mr. Miller - never any comment or contact made.

Location: <u>operations</u>	Date: <u>6/8/95</u>	Time: <u>0900</u>	Case #:
Last Name, First Name, Middle Initial: <u>OWENS, Robin A.</u>		Date of Birth: <u>9/8/63</u>	Social Security #: <u>0C1447</u>
Address: <u>SCI CBS</u>			

I, Robin A. Owens, hereby state that Lt. R.C. Backs has identified himself/herself to me as a Correctional Officer IV for the Pennsylvania Department of Corrections. I do hereby voluntarily and of my own free will make the following statement, under penalty of perjury, 18 Pa. C.S. 4904. I have not been subjected to any coercion, unlawful influence or unlawful inducement. I have not been promised any favors or been given any compensation.

This is about an incident that happened fall of last year on forth floor of Luter working with Marty Miller. He makes you feel uncomfortable Marty Miller can't talk to you unless he is right in your face. On one occasion I was drilled into brick and Marty Miller reached behind me and grabbed on to the drill also. I felt very uncomfortable with his arms around me. If he wanted to help he could have drilled the hole himself. I told Mr. McParr the following day that I would no longer work around Marty Miller. I've been told by Mary Ann McChesney that he make her feel uncomfortable also. Also I spoke with Ms Blood.

I further state that I have read and understand this entire statement or it has been read and explained to me. I have initialed all pages, corrections and signed this statement. It is true and correct as written.

WITNESSES:

Lt. V. Scott
H. R. C. Backs

Robin Owens
(Signature of person making statement)

A 356

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CONFIDENTIAL

continued

and she also feels uncomfortable around Marty Miller.
He may not mean anything by it, but someone should
tell him to keep his distance when he's talking to someone.
I personally felt very self conscious and uncomfortable
working around Marty Miller

L. V. Scott

I further state that I have read and understand this entire statement or it has been read and explained to me. I have initialed all pages, corrections and signed this statement. It is true and correct as written.

WITNESSES:

L. V. Scott
H. R. [illegible]

Robin Owens
(Signature of person making statement)

A 357

9

6/8/95

Interview w/ Robin Owens OC 1447 @ Ogden.

stated she is frightened by one Miller - has put his arms
around her in locker and always crowds her and calls
her "sweetie." Asked to be removed from his crew or any
crew he was supervising - Requested outside work detail - was
granted. written statement obtained this date and time.

6/8/95

Interview with Pauline Blood @ 0755

REF: Marty Miller

ms Blood feels extremely uncomfortable when Mr. Miller comes into her office. Several times puts his arm around her and pulled her close. Always gets very close to her when speaking - ms Blood stated this man scares her and she feels very intimidated. wants it stopped. Has Reported this to Mr. Allen. millers practice continues as of this date. ms. Blood has been afraid to speak directly to Miller. Blood says he's like this with everyone. will be willing to write a statement. Advised ms Blood to verbally Advise and warn Mr Miller of any future incidents regarding inappropriate behavior

6/8/95

Interview w/ Mary Ann McElroy 087972
Ref: Mary Miller

② 0700 hrs.

Written statement ~~out~~ ref: - will be willing to write one
personal observations, incident with Robin Owens in Lutea,
and with Pauline Blood, Mc Allen's secretary.

A 360

4
360

Interview w/ E. Johnson OC4895

6/18/95

6/16/95 @ 1300hrs.

Mr. Loggins stated that E. Johnson requested a job w/ Miller. ~~Mr. Loggins~~ also stated he came into her office on at least 3 occasions and asked that Johnson be put on his crew. Miller has been seen by this writer & Mr. Loggins several times, walking or talking to Johnson, by themselves.

CONFIDENTIAL

COMMONWEALTH EMPLOYE WITNESS STATEMENT

The following statement is being given by me freely and without coercion for official Commonwealth business and will be considered for all purposes, including actions under the Statutes of this Commonwealth, just as though it had been sworn or affirmed before a court of law or formal arbitration panel.

In June of 1995, I sat down with Lt. Beck and discussed the matter of Marty Miller. The following is a summary of what I told him. During the year I have been employed at SCI-Cambridge Springs, on numerous occasions, Marty had made me feel "uncomfortable" when he was around me. During conversations with him in my office area he always had to come close, "his face right in my face", just to say anything and he would always have to touch me, either by putting his hand on my shoulder or his arm around me as I sat in my chair. I started to resent his being around me "alone" in the office. I started to be what I considered "rude" by pretty much ignoring him anytime he started a conversation or came into the room, because I felt I shouldn't say anything much to him, so as not to encourage him to hang around in my office area. He just seemed to always have a way of invading "my personal space" so to speak. I never told him how he made me feel uneasy, and I realize now that I should have. When I heard Inmate Marianne McElroy telling Mr. Allen what had happened with Marty and an inmate, I was not surprised, and I felt I should tell someone of the way he often made me feel. I came forward only with the desire to have someone explain to Marty how he sometimes makes people feel uncomfortable by the way he approaches them. Strangely, since I talked with Lt. Beck in June, Marty seems to have backed off in that he keeps a comfortable distance with me. I continue to keep my conversations with him very abrupt.

July 18, 1995

Date

Pauline Blood

Signature

Date

Typist's Signature

NOTE: This form is to be completed and signed by an employee who is a witness to an incident involving employees of the Commonwealth. If the text is typed by someone other than the employee giving the statement, it must be read and signed by the employee. In the event the statement is typed, the party typing the statement must sign and date the document.

CONFIDENTIAL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS
June 19, 1995

SUBJECT: INVESTIGATION OF: *fill*
MARTY MILLER
PLUMBING TRADES INSTRUCTOR

TO: SUPERINTENDENT WOLFE

FROM: *H.R.C. Beck, Sr.*
R.C. BECK, SR.
SECURITY LIEUTENANT

The following is an outlined report of findings in the Marty Miller investigation. The numerical sequence is interviews with inmates and staff. Recommendations and opinions will follow the interviews.

1. Interview with inmate Diane Clinton - OO7028, 1404 hrs., June 6, 1995:

Clinton requested from Ms. Lazenby and Lt. Beck that she be removed from Mr. Miller's crew. She stated that there was never any work to do, and she didn't want to get involved with any problems he may have.

When asked about "what problems," inmate Clinton only expressed what the other inmates were talking about, and that was the fact that he was too friendly with his workers. Clinton further stated that she personally has had no problem with Mr. Miller, but wishes to avoid the possibility.

2. Interview with inmate Mary Ann McElroy - OB7972, 0700 hrs., June 8, 1995:

McElroy requested to see me regarding Mr. Miller's alleged conduct. Apparently, inmate Robin Owens, OC1447, had confided in McElroy about an incident in Luter when Mr. Miller had put his arms around her and pressed his body against her. Owens went on further to state that Mr. Miller is always "in your face," and that she feels very uncomfortable. A written statement was obtained from inmate Owens this date.

3. Interview with inmate Robin Owens - OC1447, 0900 hrs., June 8, 1995:

Inmate Owens stated to me that she is very frightened by Mr. Miller's habits. Inmate Owens states that Mr. Miller always crowds her and calls her "sweetie."

Inmate Owens requested removal from Mr. Miller's crew, or any crew he may be supervising. She related an incident happening in Luter when he put his arms around her and pressed his body close to hers. Inmate Owens stated that this was uncalled for. A written statement was obtained.

4. Interview with Ms. Pauline Blood, Mr. Allen's secretary, 0755 hrs., June 8, 1995, revealed the following information:

Ms. Blood stated that she feels extremely uncomfortable when Mr. Miller enters her office. Several times Mr. Miller has put his arms around her and pulled her close to his face. Ms. Blood stated that he does this every time he speaks to her, and that this man scares her. Ms. Blood stated that she feels very intimidated and that her space has been violated. Inmate McElroy has witnessed some of these instances. Ms. Blood had told Mr. Allen of these events, and was very hesitant to do so, as she is afraid of Mr. Miller. Ms. Blood is willing to give a written statement if needed. Ms. Blood further stated that her personal observation is that Mr. Miller is like this with everyone. I advised Ms. Blood to verbally direct her objections to Mr. Miller and warn him of inappropriate behavior. Ms. Blood was afraid to do this.
5. Ms. Lazenby has reported that Mr. Miller has come into her office on at least three (3) occasions to ask that inmate Erika Johnson - OC4895, be put on his crew. Mr. Miller and inmate Johnson have been seen several times walking and talking by themselves, by this writer and Ms. Lazenby. Mr. Miller appears to be very friendly with this inmate. Johnson works PM Dietary, but it is noted that she seems to "appear" wherever Mr. Miller happens to be.
6. It is also documented by Officer Donahue and Officer Tinko that on at least three (3) occasions Mr. Miller has gone into Luter 3 to talk personally with inmate Johnson. This was reported on May 22, 1995, to me on a hand-written letter by the above officers.

SUMMARY:

After reviewing all the interviews, facts, and statements, it is the opinion of this investigator that there is substantial evidence and truth in the allegations. There is also the concern that Mr. Miller's conduct and behavior was addressed on December 30, 1994, involving this same type of situation. Captain Bartlett, Mr. Allen, and myself (Lt. Beck), had a formal counseling session with Mr. Miller at which time a stern verbal warning was given and Mr. Miller stated that "this would never happen again."

This report is being respectfully submitted for your approval, further action or recommendation. If you have any further questions or concerns, please do not hesitate to contact me.

RCB/hs

CC: Deputy Kormanik
File: ...1619

DEPARTMENT OF CORRECTIONS
REPORT OF EXTRAORDINARY OCCURRENCE

To: Deputy Kormanik
 From: MARTY MILLER
 Title: Plumbing Trades Inst.
 Date: Sept 13, 1995
 Signature: Martin L. Miller

Institution: SCI CBS
 Date: 9/13/95
 Time: 1:50 P
 Area: Luter 2
 Occurrence: CONFIDENTIAL INFORMATION

Inmates Involved:
Name & DC No.

ORTIZ Maria OC6259

Staff Involved:
Name & Title

MARTY MILLER
Plumbing Trades Inst.
CO. CASTO

Witnesses:

SANCHEZ A. OC62
Clemente J OC95
Vasquez S OC79

Actions Taken:

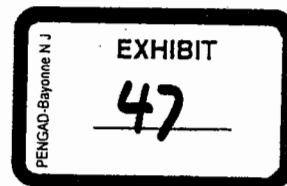
REVIEWED: Lt. M. Paula

O.C. Lt. Fuchs

Talked to Ortiz on 9/14/95 with
Mr. Miller present - no validity in my
opinion

A 365

Description of Incident, in detail: (Use other side if necessary):



ON Tuesday Afternoon My Crew And my self were working
in the Shower on Luter 2 A North I never work any place
with out at least 2 inmates with me. Inmate Maria Ortiz
Apparently came into the restroom at some point (I did not
see her at all) she went to inmate A Sanchez and told
her she saw me kissing Inmate Sylvia Vasquez. Inmate
Sanchez told Inmate Clemente and Vasquez what she had
said. They in turn came and told me about it after lunch on
Wednesday Sept 13, 1995. I went to Luter 2 and spoke to Off.
Paul about the matter. A. ... 365'

To Captain Lazenby
From Marty Miller

ON Friday Sept. 29, 1995, my crew
AND I WERE TAKING SINKS OFF THE WALL
IN K-1, TO INSTALL NEW FAUCETS. Apparently
ONE SINK HAD SOMETHING ON IT, AND WHEN I
LIFTED IT I HAD SOMETHING RED ON THE
FRONT OF MY PANTS. I WENT TO FREDDIES
TO CHECK TO SEE IF WE HAD ANY WALL HUNG
TOILETS. WHEN I EXITED FREDDIES SOMEONE
ON ANOTHER CREW MADE A COMMENT THAT
IT LOOKED LIKE I HAD RECEIVED A BLOW JOB
BECAUSE I HAD LIPSTICK ON MY PANTS,
I WENT TO THE RESTROOM A WHAT EVER
IT WAS ON MY PANTS BRUSHED OFF,
LIPSTICK WOULDN'T HAVE AS I
PROVED TO CAPTAIN LAZENBY & LT. BECK.

I ALSO ADVISED CAPTAIN LAZENBY &
LT. BECK OF A MEDICAL PROBLEM
I HAVE. I CAN BRING MEDICAL PROOF
IF NECESSARY.

Thank You
Marty Miller



PART I
INVESTIGATION

REASON FOR INVESTIGATION: allegation of lipstick on
martha m. ellen pants

Inmate(s) involved: _____

Carleen DC 6903

Staff involved: _____

martha m. ellen

Date: 10-1-95

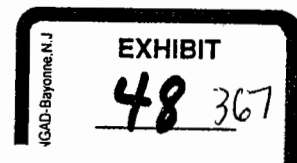
TIME: 1300

Investigating Staff: _____

Log Number: 95.24

REMARKS: NO EVIDENCE to substantiate charges.

file/Inv1



DC-121A DEPARTMENT OF CORRECTIONS EMPLOYEE
OFFICE OF EXTRAORDINARY OCCURRENCE

Capt & Layman
To: *Dept Korman / Capt Layman*
From: *C. J. Gross*
Title: *Sgt (property)*
Date: *10-2-95*
Signature: *C. J. Gross*

Institution: *MCB*
Date: *10-2-95*
Time: *app 830*
Area: *property*
Occurrence: *Inmate rumors*

Inmates Involved:
Name & DC No.

Staff Involved:
Name & Title

Witnesses:

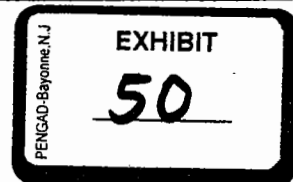
Japling A OA1300
Carter, M OC6903

Actions Taken:

cc to Capt Layman

Wagner

A 368



368

Description of Incident, in detail: (Use other side if necessary):

On the above date & time inmate Japling OA1300 told me that inmate Carter, A OC6903 wanted to speak with me. I called my stops and he said she had a misconduct and was in the unit. I called the unit (L-3) and the officer sent her to property. She told me about Mr Marty Miller's rumors. She stated she passed notes to Inmate Johnson, OC4895. He was given time off work for this, she was paid for working. She stated Officer Donahue was aware of how much time she had off. She said Mr Miller told her Mr Allen was aware of her not working.

and ~~he~~ would have a stop. Mr. Miller brings cigarettes in for Inmate Clemente OC8828 and puts them in her work gloves. On Friday 9-29-95 he came out of Cozy with lip stick on his pants, the girls said something to him and washed it off. She said Inmate Ortiz OC8873 could give more information on what happened on 9-29-95.

Inmate Sapling also stated that Mr Miller and Inmate Johnson spent time in the bath room on more than one occasion.

She said she was angry because of the write up. Mr Miller said Mr Sharp told him to write her.

REPORT OF EXTRAORDINARY OCCURRENCE

To: Capt Ligenby / Deputy Korman
 From: Jerome B Coffey
 Title: Sgt.
 Date: 10-2-95
 Signature: JBC

Institution: SCI-CBS
 Date: 10-2-95
 Time: 0945
 Area: Property
 Occurrence: Inmate rumors

Inmates Involved:
 Name & DC No.

Staff Involved:
 Name & Title

Witnesses:

Sgt Gross

Actions Taken:

REVIEWED - L.T. Colvin

REC

Description of Incident, in detail: (Use other side if necessary):

at approximately 0945 Sgt Gross informed me of these rumors
 Marty Miller was bringing Cigarettes to an inmate Sylvia Vasquez
 - Had inmate Mica Carter taking messages to an inmate
 Alicia Johnson.
 - Some inmates on work crews were given days off yet
 received full pay.
 and there was something about Marty Miller having lipstick on
 his pants (location not mentioned). LT Baun + Bob Allen
 notified of rumors.

DC-121A

DEPARTMENT OF CORRECTIONS EM. JYEE
REPORT OF EXTRAORDINARY OCCURRENCE

To: Capt. Lingenby / Deputy Korman
 From: Jerome B. C. Hill
 Title: Sgt.
 Date: 10-2-95
 Signature: J-B Hill

Institution: SCI-CBS
 Date: 10-2-95
 Time: 0945
 Area: Property
 Occurrence: Inmate rumors

Inmates Involved:
 Name & DC No.

Staff Involved:
 Name & Title

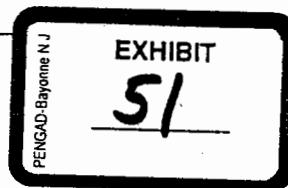
Witnesses:

Sgt. Gross

Actions Taken:

EO's submitted to Capt. Lingenby also

Reviewed by LT Baun



Description of Incident, in detail: (Use other side if necessary):

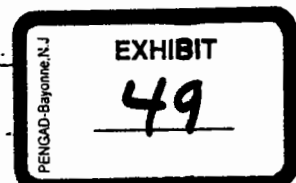
at approximately 0945 Sgt Gross informed me of three rumors
 Marty Miller was bringing Cigarettes to an inmate Sylvia Vasquez
 - Had inmate Mica Carter taking messages to an inmate
 Alicia Johnson.
 - Some inmates on work crews were given days off yet
 received full pay.
 and there was something about Marty Miller having lipstick on
 his pants (location not mentioned). LT Baun + Bob Allen 371
 notified of rumors.

10-2-95

TO: Capt. Lazenby
FROM: Co Mitchell

ON 9.28.95 Meka ^{cc6903} Carter received a
misconduct from Marty Miller. While
she was venting to this opc she informed
me she planned on telling everything
Miller had been doing with ^{cc4895} Johnson.
I believe she has in mind to cause
some grief. I ADVISED HER NOT TO
TAKE THESE ACTIONS AND IF THIS IS
TRUE she should have contacted
you. She could wind up paying consequences

Co Mitchell



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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS
October 4, 1995

SUBJECT: RUMORS CONCERNING MARTY MILLER

TO: WILLIAM J. WOLFE
SUPERINTENDENT

FROM: 
RONALD R. LAZENBY
INTELLIGENCE CAPTAIN

I had already been approached on October 3, 1995 by Mr. Marty Miller concerning this allegation.

He explained yes, he had been removing a urinal and in doing so, somehow got a red powder substance on the front of his pants. He was alone with an inmate when he removed the urinal. There was nothing more to it. When he came back the other inmates saw this and made remarks. This is probably how the rumors got started.

As I took a closer look, number one, the inmate starting some of the rumors received a misconduct, secondly as for the lipstick, you cannot just wipe it off. You must pre-wash the area stained and then wash the pants, you will be lucky if it washes out at all. I talked to his co-workers and no one noticed lipstick on his pants that day.

I strongly feel that this rumor was started by an inmate with "an ax to grind" because of the misconduct. It is also very hard to explain how no other staff member noticed the lipstick in his crotch area. I am sure if it was really there, someone would have noticed and made a remark.

This is just another inmate rumor with no evidence to substantiate the claims.

I request we close this investigation.

I await your reply.

RRL/sy

CC: Deputy Kormanic
File



373

Tape #1

LT Scott

Sheet 367

OCT 12 OC 8873

CNO ~~333~~ 333

OCT 6 1992 I SAW MR MILLER
 COMING OUT FREEDS HOUSE AND
 NOTICED SOMETHING ON HIS PANTS RED
 AND LOOKED LIKE A STICK. HE TOLD
 THOMAS WENTEN'S IT WAS PAINT. WENT
 UPSTAIRS CURSE HALL AND WHEN
 HE CAME DOWN THE RED WAS GONE.
 SHE TOLD HIM HE HAD LIES. KAD
 NOT MESS THAT UP HE WAS WRONG.
 SAW HIM BANG IN BIGNETTE'S
 NEWPORT (2) IN GLOVES (APR) (AUG)
 TOLD VASQUEZ ABOUT IT. SCARED
 ALL THE TIME BECAUSE OF WHAT SHE
 SAW MR MILLER DOING. ~~BE~~ WANTED
 TO CHANGE JOB BUT NEVER D.O. DIDN'T
 KNOW HOW TO DO IT. FEELS HE DOESN'T
 LIKE HER AND WANTS OUT OF THE
 JOB. TOLD SGT MORENO ABOUT THE
 PROBLEMS. ALOT PEOPLE SAW HIM FONDLE
 INMATES BUT DOESN'T KNOW THEIR NAMES.
 AFFAIRS AND JUST WANTS TO GO HOME.
 NEVER HAS DONE NOTHING TO HER. UPSET
 OVER PAY. FEELS DIFFERENCE RACES
 ARE TREATED NOT THE SAME. MR MILLER
 DOESN'T TREAT THEM FAIR WHICH MAKES
 HER UPSET. HE IS NOT TRUTHFUL WITH
 THEM. CLAIMS THE WOMEN'S SUB DOES
 THE MAN (MR MILLER) THE YOUNG
 INMATES. THEN THEY MAKE FUN OF
 HER WHEN THEY SHOULD ALL BE
 TOGETHER (INMATES) SISTER HOOD.



Capt. Lazenby,

C. Johnson 000787 came to me with concerns about her boss, Marty Miller, concerning sexual activity between him and inmates on his crew. 000787 Johnson, C gave ^{TA} details on several different occasions which these sexual activities were to have happened. J. White 003674 who is G/50 on Marty Miller's crew came to me worried about getting a misconduct because she talked. White 0036 was more concerned with inmates being written ^E up because they won't do what Miller asks. Also other inmates getting raises and benefits for doing what Miller asks.

Auxier



375

DC-121A

DEPARTMENT OF CORRECTIONS EMPLOYEE
REPORT OF EXTRAORDINARY OCCURRENCE

To: Deputy V. Kormanik
 From: Michael M. Miller
 Title: CFMM I
 Date: 10-11-95
 Signature: Michael S. Miller

Institution: S.C.I. C. L. by Springs
 Date: 10-11-95
 Time: 09:00
 Area: Maintenance
 Occurrence: Staff Misconduct

CC. to Capt. Zaczynski and Robert Allen CFMM II

Inmates Involved:

Name & DC No.

Clemente, Jolanda - 008825Vasquez, Silvia - 007919

Staff Involved:

Name & Title

Marty Miller Plumbing Trades Inst.

Witnesses:

Johnson, Cheryl - 00078White, Jolanda - 0036Cortez, Ajda - 0055

Actions Taken:

Description of Incident, in detail: (Use other side if necessary):

A 376



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The inmates listed above have come to me and made the following allegations against Mr. Marty Miller:

1. Mr. Miller brings in gifts of cigarettes to inmate Vasquez. This information was confirmed by two of the witnesses.

2. Mr. Miller brought in 2 cans of powdered powder. He gave one container to inmate White and the other to another inmate. Inmate White threw hers away for fear of being caught with contraband. This information was confirmed by 2 or more of the witnesses.

3. Inmate White saw Mr. Miller kiss inmate Vasquez on the cheek.

10-12-95

I Yolanda White, INMATE OC3674
IS GIVEN A WRITTEN STATEMENT. I KNOW
I AS WELL AS CO-WORKERS THAT MY BOSS
MARTY MILLER TREATS CERTAIN FEMALES SPECIAL.
I JUST WANTED TO SAY I HAVE SEEN MARTY
MILLER ACT OUT FAVORITISM, MEANING HE BRINGS
GIFTS TO INMATES. I RECEIVED AN IMARI POWDER
THIS IS HEAR SAY. HE HAS ALSO BROUGHT SILVER
ANOTHER CREW MEMBER, THINGS IN FROM OUTSIDE.

X Yolanda White

WITNESS Cgt J

LT Sec II

10-10

NO COPY

JOHNSON DC 0287

AFRAID OF Getting Locked

OCT 6 1995 MILLER WORKING

IN FRADDIES AND WHEN HE WALKED
OUT AND SOMEONE ~~SAID~~ HELLED OUTLIP STICK ON HIS PANTS AND SHE
TOLD HIM MR MILLER SAID IDON'T CARE AND IT WAS ON HIS
PANTS. EASY TO NOTICE THE LIP STICK
ON HIS PANTS THAT WHY SHETOLD HIM. TOLD HER HE WAS
SCREWING ABOUT WITH POWER.

TOLD HIM ABOUT HIS WIFE AND

KIDS AND SHOULD STOP. AS NO

IDEEs HOW EVERYONE THOUGHT IT WAS

LIP STICK, SOMETHING ~~THAT~~ ^{ONE} DON'T

LOOK THE WAY THEY ARE. TOLD HER

HE NOT ALLOWED TO BE ALONE AND

NEXT THING SHE KNOWS HE'S ALONE

WITH A INMATE. FEELS EVERYONE

NOT TREATED FAIRLY ~~ABOUT~~ ^{ON} THE

JOB. FEELS MR MILLER CARED ABOUT

THE PAY RAISES. INMATE WHITE UPSET

ABOUT NOT GETTING A PAY RAISE. THREE

TWO DON'T GET ALONG. THIR UPSET

THAT EVERYONE IS NOT BEING TREATED

FAIR. NEVER WITNESS ANYTHING.

SHE HEARD FROM ORTIZ THAT HE WAS

GIVING THING/BRING INTO FOR VASQUEZ

AND ORTIZ WAS GOING TO TELL.

DEPARTMENT OF CORRECTIONS

SCI-CAMBRIDGE SPRINGS

October 19, 1995

SUBJECT: INVESTIGATION RESULTS
RE: MR. MARTY MILLER

TO: WILLIAM J. WOLFE
SUPERINTENDENT



FROM: R.R. LAZENBY
INTELLIGENCE CAPTAIN

As requested I investigated the alleged allegations lodged against Mr. Marty Miller, by several inmates. They reported that he made sexual remarks to an inmate and also brought contraband into the institution for inmates.

We have accusations against a staff member, without any proof. They claimed to have some evidence at one point but destroyed it to avoid getting misconducts for contraband. They never informed any staff members of such evidence or comments. We have no staff witnesses for these accusations. This case comes down to inmates words against staff. Who is telling me the truth?

I find it hard to believe if they had the evidence, why would they discard it and then come to me with these concerns and accusations against Mr. Miller. This is illogical and leads me to believe this is nothing but a story to get Mr. Miller.

I have several reasons to draw this conclusion. First, several of his inmate workers are upset over their pay. Some got raises, while others did not. They see this as unfair and preferential. Secondly, some feel he shows favoritism to several of his workers. In both cases, they were very upset. Thirdly, he just wrote a misconduct on a worker.

I suggested that Mr. Miller might want to take a polygraph test to put an end to these allegations. However, his union representative advised him otherwise.

Conclusion:

I feel that Mr. Miller in the past was a poor supervisor and allowed his inmate workers to do and say as they pleased. Now that he has taken a stronger position, they are upset and vindictive. He tends to depend on a select few of his workers to do all the work, creating the illusion that he is partial to them. I explained this to him at his interview, and how others might perceive these actions. Mr. Miller has a very friendly personality which might be misinterpreted as being overly friendly. He does like to touch people as he speaks to them and this practice must stop. I have no evidence to substantiate anything else.

This case is closed unless new evidence is revealed.

RRL/sy
CC: Deputy Kormanik
File

A 380

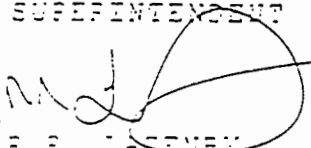
4 380

CONFIDENTIAL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS
March 15, 1996

SUBJECT: RFP: CASE 96-03
MR. MILLER

TO: WILLIAM J. WOLFE
SUPERINTENDENT

FROM: 
R.R. LASHAW
INTELLIGENCE CAPTAIN

As requested Captain Bartlett investigated the allegations by Inmate Pehlman 003351 that Marty Miller, Trades Instructor, is sexual touching and introducing contraband into the institution. (see Employee Report of Extraordinary Occurrence DC-121A, dated 1-12-1996, submitted by Ms. Wolfgang).

On March 15, 1996 Captain Bartlett interviewed Inmate Pehlman on these allegations. Inmate Pehlman, when pressed for evidence, decided not to pursue her allegations at this time. (see Captain Bartlett's report).

Conclusion:

These allegations were the result of a misconduct Inmate Pehlman received from Mr. Miller on 3-12-96. This is not the first time these type of allegations have emerged, after an inmate has received a misconduct from this staff member. These same allegations were address in Case #95-05. (see report dated 10-12-95).

If I can be of any further help, please free to contact my office.

cc: Deputy Kormanir
ml-miller3-6

A 381

EXHIBIT

65 381

PENGAD-Bayonne N.J.

PART I
INVESTIGATION

REASON FOR INVESTIGATION: Sexual Harassment

by Mr. Miller

Inmate(s) involved: Pellmar OC 3351

Staff involved: Mr. Miller

Date: 3-15-96

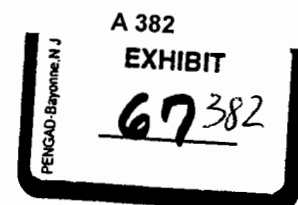
TIME: 1100

Investigating Staff: Carl Bontelli

Log Number: 96-08

REMARKS: Inmate decided not to press the
charges when confronted.

file/Invi



INMATE COMPLAINT REPORT
 TYPE OF PRISON: CLINTON

TO: Prison Allen TITLE: CFMM II DATE: 3-25-96 TIME: 10:30 AM

FROM: Mr. Miller TITLE: CFMM I LOCATION OF OCCURRENCE: Room 3

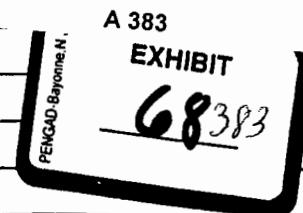
SIGNATURE: William S. Miller TYPE OF OCCURRENCE: Sexual Molestation

Inmates Involved Name and CC Number	Staff Involved Name and Title	Witnesses
Phillips Robin CC 1474	Mont. Miller Plub. T. Inst.	
	Wayne Young Plub. Trn. Inst.	

Complete Detailed Description of Incident (if force is used, include an account of events leading to a use of force, reasons for employing force)

Mr. Miller came to me at approximately 9:00am and informed me that inmate Phillips had talked to him about some events of a sexual nature that Mr. Miller had done to her. I told Mr. Young to speak with me. She told me that Mr. Miller had "come on to her" several times. She said that when they were working in 11213 bathroom - the other members of the crew got tools or got only Mr. Miller and Inmate Phillips were left in the bathroom. He had touched her breasts several times and asked her to take her clothes off to "show me what you got." I reported this to Lt. E. and Capt. Litz in the absence of Capt. Hazenby.

Actions Taken (in chronological order with times listed):



Informant Name and DO Number	Staff Involved Name and Title	Witnesses
D. J. Smith - DO 5287	Marty M. Webb - Adm. Serv. Invt.	

I recall to - denied in the PM Diary, crew, came to me concern
 M. Miller - he was working on her floor. She alleges that he came in
 her room - made "advances", and touched her breasts. She also claim-
 ed - he was - looking in her room and was telling her he was go-
 ing to wait - for her to dress for work so he could see how she w-
 ould look. I am a Diarist and I worked for me in the past.
 I am - not this in note fairly well. I don't feel that she was hin-
 dered to - go to Drpt. Utz. and Lt. Berk as Capt. Luzzo was absent

Actions Taken (in chronological order with times listed):

69384

PENGAD-BAYONE NJ

**PART I
INVESTIGATION**

REASON FOR INVESTIGATION: _____

Initial INVESTIGATION ORDERED AND AUTHORIZED
By Supt. L Wolfe AFTER RECEIPT OF INFORMATION
THAT MARTY MILLER WAS SEXUALLY HARASSING INMATES.

Inmate(s) involved: Colleen DiGiovanni OC5287Robin Phillips OC1674Staff involved: MARTY MILLERDate: MARCH 25, 1996TIME: 1:300 hrsInvestigating Staff: Lt. ROGER C BECK

Log Number: _____

REMARKS: PRELIMINARY FINDINGS AND REPORT SUBMITTED TO
Supt L Wolfe / COPY TO CAPT. LAZENBY. MR MILLER SUSPENDED
3/25/96 AT 1600hrs PENDING THIS INVESTIGATION

file/Inv1

10385

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS
March 15, 1996

SUBJECT: PEHLMAN, L. OC3351

TO: WILLIAM J. WOLFE
SUPERINTENDENT

FROM: 
KEITH R. BARTLETT
CAPTAIN OF THE GUARD

On March 15, 1996 at about 1215 I interviewed inmate Pehlman OC3351 with Lt. Scott present.

Ms. Pehlman wanted to tell me the same things she had told Ms. Wolfgang about Mr. Miller, Plumbing Instructor.

She admitted that he made her mad the day he wrote her up and she "flashed back" to when he touched her and that is why she is now telling us what happened.

I asked her if she would write a witness statement, sign it and have it notarized. She said yes. I asked her if she would submit to a polygraph and she replied yes.

I went to get a witness form and when I returned she changed her mind. She wants to wait until she gets out of jail. She said "I really didn't want to do this anyway".

I then ended the meeting.


KRB/sy

CC: Deputy Kormanik
Captain Lazenby
File

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS
March 15, 1996

SUBJECT: PEHLMAN, L. OC3351

TO: WILLIAM J. WOLFE
SUPERINTENDENT

FROM: 
KEITH R. BARTLETT
CAPTAIN OF THE GUARD

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I went to get a witness form and when I returned she changed her mind. She wants to wait until she gets out of jail. She said "I really didn't want to do this anyway".

I then ended the meeting.

KRB/sy

CC. Deputy Kormanic
Captain Lazenby
File



JD-121A
Revised 11-23-95

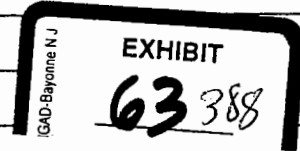
DEPARTMENT OF CORRECTIONS
EMPLOYEE REPORT OF EXTRAORDINARY OCCURRENCE
(TYPE OR PRINT LEGIBLY)

TO: RONALD LAZENBY TITLE: INTELLIGENCE DATE: 3-12-76 TIME: 3:15 p.m.
U Captain

FROM: Sandra Wolfington TITLE: PSYCHOLOGIST LOCATION OF OCCURRENCE: PSYCHOLOGIST'S OFFICE

SIGNATURE: [Signature] TYPE OF OCCURRENCE: Inmate report regarding
Inappropriate Staff
Conduct

Inmates Involved Name and DO Number	Staff Involved Name and Title	Witnesses
<u>IRMA PELLMAN OC3351</u>	<u>MR. MARTY MILLER, Supervisor</u>	<u>NONE DISCLOSED AT</u> <u>THIS TIME.</u>
	<u>MRS. SANDRA WOLFINGTON, L.P.M.</u>	



A 388

Complete Detailed Description of Incident (if force is used, include an account of events leading to a use of force, reasons for employing force):

MS. PELLMAN appeared in my office for a 2:00 p.m. appoint-
ment that had been scheduled two weeks ago. She was
initially upset about having received a misconduct from
MR. MARTY MILLER earlier in the day. (Misconduct was for
refusing to enter an area.) While venting about the
sequence of events leading to the misconduct, she
related to me that MR. MARTY MILLER has been inappro-
priately touching the women on his work crew for "the
last 4-5 years." STATEMENTS MADE BY MS. PELLMAN included

the following, "HE GRABS THEIR ASSES AND THEIR boobs
HE SITS ON THE FLOOR SPREADS HIS LEGS, AND MOTIONS
FOR THE WOMEN TO COME SIT ON HIS LAP. HE BRINGS

Actions Taken (in chronological order with times listed): THEM CANDY AND PERFUME. HE TRIED
IT ON ME AND I TOLD HIM UP FRONT
"NO! I'M MARRIED. YOU'RE MARRIED
KEEP YOUR HANDS OFF OF ME."

I LISTENED I ASKED HER direction if her accusations were
GENERATED FROM THE MISCONDUCT CAUTIONING HER THAT
ACCUSATIONS AT THIS TIME MAY BE VIEWED AS
A "GOT BACK". ALTHOUGH ALLOWING HER TO TRIGGERED
BY THE MISCONDUCT SHE DENIES ANY FABRICATION AND OR
DISTORTION OF REALITY. STATING, "THAT MAN'S MENTALITY
IS ABOUT SEX. GIVEN THE CHANCE, he'd fuck every
girl he could get his hands on. I told him that I

(with measurements and attach).

N/A

Description of Injuries to Staff or Inmates and Medical Attention Required, if any:

undetermined at this time

Description of Method in Which Force Was Applied by Staff and Many Security Equipment Used (baton, E.S.I.D., Cap-Stun, etc.):

N/A

TO: RONALD LAZENBY TITLE: INTELLIGENCE DATE: 3-12-76 TIME: 3:15 p.m.
CAPTAIN

FROM: ANDREW WOLFENBERG TITLE: PSYCHOLOGIST LOCATION OF OCCURRENCE: PSYCHOLOGIST'S OFFICE

SIGNATURE: Andrew B. Wolfenberg TYPE OF OCCURRENCE: Inmate report regard
INAPPROPRIATE STAFF
CONDUCT

Complete Detailed Description of Incident (if force is used, include an account of events leading to a use of force, reasons for employing force):

→ I listened. I asked her directly if her accusations were generated from the misconduct, cautioning her that accusations at this time may well be viewed as a "got back". Although acknowledging anger triggered by the misconduct, she denies any fabrication and/or distortion of reality, stating, "That man's mentality is about sex. Given the chance, he'd fuck every (6) woman he meets. He will he thinks about it's sickening and

Description of Weapon(s), if any (photocopy weapon with measurements and attach):

N/A

Description of Injuries to Staff or Inmates and Medical Attention Required, if any:

Undetermined at this time

Description of Method in Which Force Was Applied by Staff and Any Security Equipment Used (baton, E.B.I.D., Cap-Stun, etc.):


N/A

A 391

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS
March 15, 1996

SUBJECT: REF: CASE 96-09
MR. MILLER

TO: WILLIAM J. WOLFE
SUPERINTENDENT

FROM: 
R.R. LASENBY
INTELLIGENCE CAPTAIN

As requested Captain Bartlett investigated the allegations by Inmate Pehlman OC3351 that Marty Miller, Trades Instructor, is sexual touching and introducing contraband into the institution. (see Employee Report of Extraordinary Occurrence DC-121A, dated 3-12-1996, submitted by Ms. Wolfgang).

On March 15, 1996 Captain Bartlett interviewed Inmate Pehlman on these allegations. Inmate Pellman, when pressed for evidence, decided not to pursue her allegations at this time. (see Captain Bartlett's report).

Conclusion:

These allegations were the result of a misconduct Inmate Pellman received from Mr. Miller on 3-12-96. This is not the first time these type of allegations have emerged, after an inmate has received, a misconduct from this staff member. These same allegations were address in Case #95-25. (see report dated 10-19-96).

If I can be of any further help, please free to contact my office.

cc: Deputy Kormanik
file/mmiller3-6

September 1994

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS

March 15, 1996

SUBJECT: PEHLMAN, L. OC3351

TO: WILLIAM J. WOLFE
SUPERINTENDENTFROM: 
KEITH R. BARTLETT
CAPTAIN OF THE GUARD

On March 15, 1996 at about 1215 I interviewed inmate Pehlman OC3351 with Lt. Scott present.

Ms. Pehlman wanted to tell me the same things she had told Ms. Wolfgang about Mr. Miller, Plumbing Instructor.

She admitted that he made her mad the day he wrote her up and she "flashed back" to when he touched her and that is why she is now telling us what happened.

I asked her if she would write a witness statement, sign it and have it notarized. She said yes. I asked her if she would submit to a polygraph and she replied yes.

I went to get a witness form and when I returned she changed her mind. She wants to wait until she gets out of jail. She said "I really didn't want to do this anyway".

I then ended the meeting.

KRB/sy

CC: 
Deputy Kormanik
Captain Lazenby
File

PART I
INVESTIGATION

REASON FOR INVESTIGATION: _____

Initial INVESTIGATION ORDERED AND AUTHORIZED
By Supt. Wolfe AFTER receipt OF INFORMATION
THAT MARTY MILLER WAS SEXUALLY HARASSING INMATES.

Inmate(s) involved: COLLEN DIGIOVANNI OC5287
RUBIN PHILLIPS OC1674

Staff involved: MARTY MILLER

Date: MARCH 25, 1996

TIME: 1300 HRS

Investigating Staff: LT. ROGER C BECK

Log Number: _____

REMARKS: PRELIMINARY FINDINGS AND REPORT SUBMITTED TO
Supt WOLFE / COPY TO CAPT. LAZENBY. MR MILLER SUSPENDED
3/25/96 AT 1600HRS PENDING THIS INVESTIGATION

file/Inv1

Location: CITIZENS	Date: 3-25-96	Time: 1345	Case #:
Last Name, First Name, Middle Initial: 005287 DiGiovanni, Colleen F.		Date of Birth: 2-24-64	Social Security #: 307-67-0474
Address: SEIBS			

I, Colleen DiGiovanni, hereby state that LT. ROGER C. BECKSE has identified himself/herself to me as a Correctional Officer 3 for the Pennsylvania Department of Corrections. I do hereby voluntarily and of my own free will make the following statement, under penalty of perjury, 18 Pa. C.S. 4904. I have not been subjected to any coercion, unlawful influence or unlawful inducement. I have not been promised any favors or been given any compensation.

3-22-96 I WAS approached by MR. MARTY MILLER he was doing plumbing work in my unit now. He asked me how I liked my kitchen job I said it was great I was then in my room #36 sitting watching my TV & drinking coffee he kept hanging out at my door asking me ^{question} when I was leaving I really didn't give him a correct answer I was angry now. Then I went to the ladies room & he started talking to me again & ~~grabbed~~ ^{inappropriately} ~~my wrist~~ with his hand then he grabbed me. Said I looked like I needed a hug. I was even more upset but, I was trying to keep my head then, I went & got dressed & go to work & he still kept hanging outside my door & was trying to talk to me as I was getting dressed. He was making comments.

I further state that I have read and understand this entire statement or it has been read and explained to me. I have initialed all pages, corrections and signed this statement. It is true and correct as written.

WITNESSES:

LT. DEAN

Colleen DiGiovanni
(Signature of person making statement)

LT. C. BECKSE

STATEMENT

continued

Oh I didn't know you were alone but he knew I was alone & he said he would come in to see if everything was intact in order. At that point I didn't say anything. I then went to the bathroom to put my hair net & I WAS upset & shocked & scared. I didn't report it right away, because I was scared & I had to think of what to do.

3-25-96 I was about 6:00 AM maybe later MR. MARTY MILLER came on. NWD3 again told me to smile & asked me if I was gone to work. I said yes he now remember when your getting ready dressed let me know & I'll come in & see that everything is in order. I just looked I got so upset I left the room then, I knew I had to go to go so I went back to my scarf & there I was & I looked out window to

I further state that I have read and understand this entire statement or it has been read and explained to me. I have initialed all pages, corrections and signed this statement. It is true and correct as written.

WITNESSES:

Lt. Scott

William F. Giovanni
(Signature of person making statement)

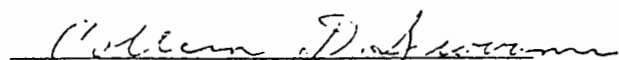
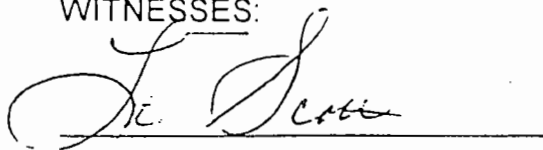
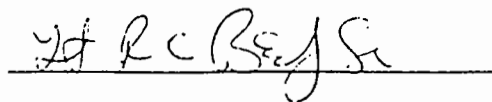
HRC Belfi

continued

what was going on & there he was right
next to me & then he rushed
out I went to the bathroom as
my neighbor to come in the bathro
why I put my scarf on in case he
came in & then I went back
in ^{room} to get my jacket & he stood
at the door & said I'll be here &
remember to let me know when
you get dressed so I can make
sure everything is in tact the
all of the sudden our fire alarm
went off & we had to go
outside & get counted then he
came in & I waiting about
10 minutes for me to get up
in the other common room

I further state that I have read and understand this entire statement or it has been read
and explained to me. I have initialed all pages, corrections and signed this statement.
It is true and correct as written.

WITNESSES:


(Signature of person making statement)

continued

I was scared to say anything on the 22nd to anyone. I didn't feel comfortable talking to anyone so, I saw Mr. Mike Miller & told him what happened & what should I do & he referred me to LT. Beck. And I came & was able to talk to him.

I further state that I have read and understand this entire statement or it has been read and explained to me. I have initialed all pages, corrections and signed this statement. It is true and correct as written.

WITNESSES:

L. Scott

LT Beck

William J. Williams
(Signature of person making statement)

COMMONWEALTH OF PENNSYLVANIA


Department of Corrections

SCI-Cambridge Springs

March 25, 1996

SUBJECT: Request for Assistance from the Office of Professional Responsibility

TO: Thomas A. Fulcomer
Deputy Commissioner
Western Region



FROM: William J. Wolfe
Superintendent

I am formally requesting investigative assistance from the Office of Professional Responsibility into numerous inmate allegations of sexual misconduct by Martin Miller, Plumbing Instructor.

During the past several years we have received similar allegations concerning Mr. Miller, however, our local investigations were terminated due to a lack of sufficient evidence to corroborate the charges.

We presently have two inmates who were willing to sign statements and submit themselves to a polygraph test. Without outside assistance, I am concerned this case will also be dropped due to a lack of evidence.

I believe Mr. Miller is discrete enough not to act out inappropriately in the presence of witnesses.

Please find attached copies of the most recent investigative reports submitted by Lieutenant Beck.

I am thanking you in advance for your consideration of this request.

WJW/cld

cc: Vaughn Davis
File/miller.396

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-CAMBRIDGE SPRINGS
March 26, 1996

CONFIDENTIAL

SUBJECT: REPORT OF INVESTIGATION
MARTY MILLER

TO: WILLIAM J. WOLFE
SUPERINTENDENT

FROM: 
LT. ROGER C. BECK, SR.

On March 25, 1996, I received a call from Mike Miller CFMM I that inmate Robin Phillips OC1674 had reported to him that her work supervisor, Marty Miller was sexually harassing her. As this writer is aware of several other previous complaints on Marty Miller, I advised that I would make Captain Lazenby aware of this situation upon his return.

Approximately fifteen (15) minutes later, Mike Miller once again contacted me by phone and stated that inmate Colleen Digiovanni OC5287, was in his office with another sexual harassment complaint on Marty Miller. I advised Mike Miller to contact Deputy Utz and provide him with this information for his determination of what plan of action to take. Deputy Utz then contacted this writer and stated that he had spoken to Superintendent Wolfe and that the Superintendent wanted an official investigation conducted at once to be done by Lt. Beck.

At 1340 hrs. on March 25, 1996, Lt. Beck called inmate Digiovanni OC5287 into his office. This inmate stated during oral questioning that on Friday, March 22, 1996, she was in her room in NWD-3, room #36 in the morning hours. Marty Miller was in her bathroom apparently doing some type of plumbing work. Digiovanni stated that Marty Miller began talking to her and "coming on" to her. She further stated that Marty Miller came close to her and intentionally touched her breast with his hand. When Mr. Miller saw that this action visibly upset her, he then gave her a hug because he said she looked like she needed one. Mr. Miller then seemed to hang around her room and told her that if she needed help in getting dressed to let him know. Digiovanni stated that from this point she requested inmate Ferguson watch her when she entered the bathroom because she was afraid of Miller. Digiovanni further stated that inmate Ferguson witnessed the touching incident.

On Monday, March 25, 1996, Digiovanni stated that Marty Miller was once again in her room and made more sexual statements to her. All this information is contained in a written statement obtained by Lt. Beck on March 25, 1996 by Digiovanni. Digiovanni was asked if she would be willing to submit to a polygraph test as to the truthfulness of her statement and allegations. Digiovanni stated to Lt. Beck that she would be willing to do this if requested.



On March 25, 1996, at 1445 hrs., I interviewed Robin Phillips OC1674 in my office. Phillips indicated that she has a big problem with her work supervisor, Marty Miller. Phillips stated that she reported incidents of fondling and sexual comments to Mike Miller, who referred her to Lt. Beck. Phillips, upon questioning, revealed that Marty Miller has felt her breasts on several occasions, and, even after Phillips told him to stop doing this, he continued. He has also made sexual comments repeatedly to her, as indicated in her written statement. Another alleged incident took place in a housing unit involving Marty Miller showing inmate Phillips his penis and asking her if she wanted to touch it. Phillips also stated that Mr. Miller wanted to give her money and would "take care" of her after she got out. All of the above information is contained in Phillips' written statement. Phillips also stated she would be willing to take a polygraph test as to her truthfulness.

Based on the information thus far, Lt. Beck met with Superintendent Wolfe for a review. Superintendent Wolfe contacted Deputy Commissioner Fulcomer on March 25, 1996 at 1520 hrs. It was a recommendation from both that Marty Miller be suspended pending this investigation. Ms. Donnell typed an official suspension letter which was signed by Superintendent Wolfe. Lt. Beck notified Marty Miller to report to the Superintendent's office, where he was advised of his suspension and investigation of alleged sexual misconduct while working.

I advised Superintendent Wolfe that all my reports, statements, and information would be turned over to Captain Lazenby upon his return.

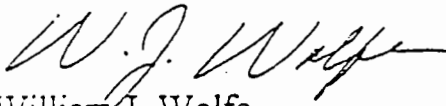
RCB/sy

CC: Captain Lazenby
File

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Cambridge Springs
March 25, 1996

SUBJECT: Martin Miller

TO: Control

FROM: 
William J. Wolfe
Superintendent

Effective March 25, 1996, Martin Miller is not permitted to enter the Institution until further notice, without the approval of my office.

NOT TO BE READ AT ROLL CALL!

WJW/cld

cc: Deputy Kormanic
Deputy Utz
Roger Cyr
Shift Commanders
File/miller.396



A 402